FILE COPY

In the Supreme Court of the United States

OCTOBER TERM, 1931

No. 568

UNITED STATES OF AMERICA, APPELLANT

v.

SWIFT & COMPANY ET AL.

ON APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

MOTION BY THE UNITED STATES TO ADVANCE

The Solicitor General pursuant to Rule 20, paragraph 6, of this Court moves to advance the above-entitled cause for a hearing on or as near the 7th day of March, 1932, as may be agreeable to the Court.

This is a suit in equity brought by the appellees herein to modify a consent decree entered by the Supreme Court of the District of Columbia on February 27, 1920, in which the appellees and others were named as defendants. The consent decree was entered in a proceeding brought by the United States under Section 4 of the Act of July 2, 1890, c. 647, 26 Stat. 209, commonly known as the

Sherman Antitrust Act, and Section 15 of the Act of October 15, 1914, c. 323, 38 Stat. 730, 736, commonly known as the Clayton Act, to restrain and enjoin the appellees herein and other defendants named in the consent decree from further violations of those Acts. The defendants named in the consent decree are enjoined thereby, among other things, from continuing to hold capital stock in public stockyard market companies and terminal railroads, and from continuing to handle and deal in commodities unrelated to the meat-packing industry, such as wholesale groceries and canned goods.

In its October Term, 1927, this Court decided that the consent decree was valid. *Swift & Company* v. *United States*, 276 U. S. 311.

The consent decree was again before this Court in its October Term, 1928, on writ of certiorari to review an order of the Court of Appeals of the District of Columbia refusing to vacate its judgment reversing an order of the Supreme Court of the District denying a motion of the California Cooperative Canneries for leave to intervene in the original suit for the purpose of seeking to have the consent decree set aside. This Court decided that the Court of Appeals of the District of Columbia was without jurisdiction to act in the matter. *United States* v. *California Cooperative Canneries*, 279 U. S. 553.

The present suit to modify the consent decree was brought August 10, 1929, the petitions for modification alleging that economic and other conditions

had so changed that the principal prohibitions of the decree should be eliminated. Issue was joined, and after trial the Supreme Court of the District of Columbia on January 31, 1931, entered an order modifying the consent decree so as to permit the defendants named therein to engage once more in the handling at wholesale of food lines unrelated to the meat-packing industry.

The petition of the United States for an appeal to this Court was allowed on March 30, 1931.

An early decision of this appeal is of importance to the public generally as well as to those engaged in the business of handling food products.

THOMAS D. THACHER,
Solicitor General.

DECEMBER, 1931.

Counsel for appellees consent to the granting of this motion.

FRANK J. HOGAN.
HENRY VEEDER.
CHAS. J. FAULKNER, JR.
NELSON T. HARTSON.

U. S. GOVERNMENT PRINTING OFFICE: 1931